

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In the Matter) CV. NO. 03-00672 SOM-BMK
of)
)
The Complaint of MORNING STAR)
CRUISES, INC., a Hawaii corporation.)
)
SHIROH FUKUOKA, Individually and) CV. NO. 04-00588 SOM-BMK
as Personal Representative of THE) [consolidated]
ESTATE OF MITSUKO FUKUOKA,)
and as Next Friend of MIHO) **AFFIDAVIT OF GREGORY K.**
FUKUOKA, a Minor,) **MARKHAM**
)
Plaintiffs,)
)
vs.)
)
MORNING STAR CRUISES, INC., a)
Hawaii corporation; JOHN DOES 1-)
10, JANE DOES 1-10, DOE)
CORPORATIONS 1-10, DOE)
PARTNERSHIPS 1-10, DOE JOINT)
VENTURERS 1-10, DOE LIMITED)
LIABILITY ENTITES 1-10, DOE)
NON-PROFIT ENTITES, 1-10, DOE)
GOVERNMENTAL ENTITIES 1-10,)
DOE UNINCORPORATED)
ENTITIES 1-10, and OTHER DOE)
ENTITES 1-10,)
)
Defendants.)
)

AFFIDAVIT OF GREGORY K. MARKHAM

STATE OF HAWAII)
: SS.
CITY AND COUNTY OF HONOLULU)

GREGORY K. MARKHAM being first duly sworn on oath, deposes and says that,:;

1. I am an attorney licensed to practice law in the State of Hawaii.
2. I am a partner with the law firm of Chee & Markham, attorneys for Defendant/Limitation Plaintiff Morning Star Cruises, Inc. in the above-captioned matter.
3. I have personal knowledge of and am competent to testify concerning the matters set forth below.
4. Exhibit 1 is a true and correct copy of a letter to Plaintiff/Limitation Defendant's counsel regarding discovery dated May 28, 2004.
5. Exhibit 2 is a true and correct copy of a letter to Plaintiff/Limitation Defendant's counsel regarding discovery dated October 11, 2004.
6. Exhibit 3 is a true and correct copy of a letter to Plaintiff/Limitation Defendant's counsel regarding discovery dated November 30, 2004.

7. Exhibit 4 is a true and correct copy of a letter to Plaintiff/Limitation Defendant's counsel regarding discovery dated February 16, 2005.

8. Exhibit 5 is a true and correct copy of a letter to Plaintiff/Limitation Defendant's counsel regarding discovery dated November 2, 2005.

9. An Order Granting Defendant/Limitation Plaintiff's Motion to Compel Discovery was filed June 6, 2006. A true and correct copy of the court order is attached hereto and incorporated by reference herein as Exhibit 6.

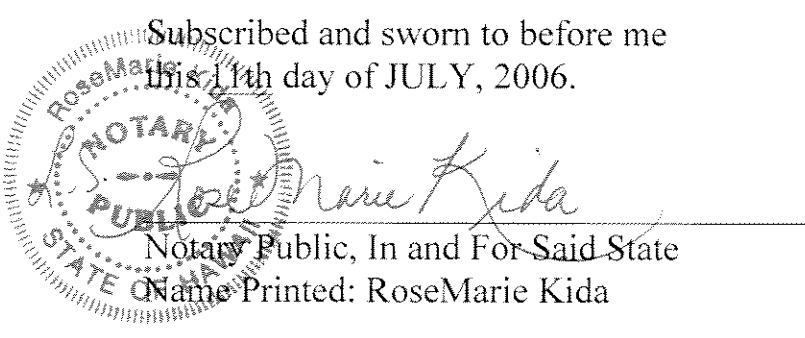
10. Plaintiff/Limitation Defendant has not complied with the order.

FURTHER AFFIANT SAYETH NAUGHT.



GREGORY K. MARKHAM

Subscribed and sworn to before me
this 11th day of JULY, 2006.



Notary Public, In and For Said State
Name Printed: RoseMarie Kida

My Commission Expires: 9/5/07